

**United States District Court**

for the

**Eastern District of Washington****Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAY 17 2007

Name of Offender: Mark E. Lande

Case Number: 2:05CR02016-001

JAMES R. LARSEN, CLERK  
YAKIMA, WASHINGTON DEPUTY

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, U.S. District Judge

Date of Original Sentence: 12/8/2005

Type of Supervision: Supervised Release

Original Offense: Wire Fraud, 18 U.S.C. § 1343

Date Supervision Commenced: 7/21/2006

Original Sentence: Prison - 366 Months; TSR - 36  
Months

Date Supervision Expires: 7/20/2009

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

22. You shall have no contact with Stewart Graham, his wife, Wendy Graham, or their children in person, by letter or other communication devices, audio or visual devices, or through a third party, unless authorized by the supervising probation officer. You shall not enter the premises or loiter within 1,000 feet of the victim's residence or place of employment.

**CAUSE**

The offender was previously convicted of a harassment charge on June 28, 2004, in Yakima County Superior Court, after the offender made numerous calls to the home of Yakima County Sheriff's Deputy Stewart Graham, in which the offender made threats to kill the deputy, his wife, and children in a very graphic manner, which is reported in detail in the presentence report offense section in this case. The deputy was involved in the original investigation in this matter and was known to the offender.

The probation officer was recently contacted by Deputy Graham, who reported his wife was surprised when she observed the offender at the church where she is employed, attending an Alcoholics Anonymous (AA) meeting. She was concerned for her safety based upon the offender's history of mental illness, alcohol abuse, and prior death threats.

The probation officer believed there was enough of a third party risk based on the totality of the circumstance to direct the offender to not attend AA meetings at that location. The offender was angered by the probation officer's directive, and reported he believed his rights were being violated, specifically his right to attend a church of his choice. The probation officer asked the offender if he attends church services at that church he attends AA meetings, and he responded not since he was a child, but he did not believe it made any difference. The Graham family regularly attends church services at the church where the offender attends his AA meetings. In addition, the offender

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**Re: Lande, Mark E.****May 15, 2007****Page 2**

reported his AA sponsor attended the meeting held at the church and believed his sobriety may be affected if unable to attend. The offender made statements to the probation officer, he believed Mr. Graham was just trying to make his life difficult or words to that effect.

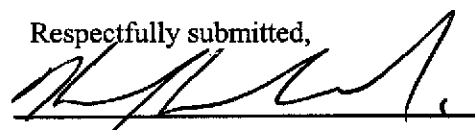
The probation officer advised the offender that if he wished to have this matter heard before the Court, the probation officer would arrange it. The offender discussed the issue with his defense counsel, who initially requested a Court hearing on this matter, and a Form 12D petition was prepared and filed with the Court. Upon further consultation with the offender and his attorney, the offender has agreed to the modification and has signed a waiver to that effect, which is enclosed for the Court's review.

Other than failure to obtain employment, participate in schooling or job training, the offender has been compliant with the Court's orders to the best knowledge of the probation officer. The offender resides with his grandmother and is supported by her.

It is requested that the hearing previously requested for this matter is quashed, and the Court order the requested modification.

Respectfully submitted,

by



Kevin Crawford  
U.S. Probation Officer  
Date: May 15, 2007

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**THE COURT ORDERS**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer



Date

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**United States District Court**

MAY 17 2007

Eastern District of Washington

JAMES R. LARSEN, CLERK  
YAKIMA, WASHINGTON DEPUTY**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

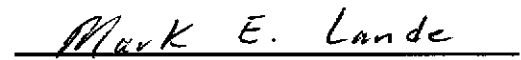
To modify the conditions of supervision as follows:

18. 18. 22 You shall have no contact with Stewart Graham, his wife, Wendy Graham, or their children in person, by letter or other communication devices, audio or visual devices, or through a third party, unless authorized by the supervising probation officer. You shall not enter the premises or loiter within 1,000 feet of the victim's residence or place of employment.

Witness:

  
Kevin Crawford  
U.S. Probation Officer

Signed:

  
Mark E Lande  
Probationer or Supervised Releasee

February 26, 2007

Date